

108TH CONGRESS
1ST SESSION

H. R. 3682

To amend title 49, United States Code, to clarify certain Buy America provisions.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2003

Ms. KILPATRICK introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to clarify certain Buy America provisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Protecting American Man-
5 ufacturing Jobs Act of 2003”.

6 **SEC. 2. BUY AMERICA.**

7 (a) WAIVERS.—Section 5323(j) of title 49, United
8 States Code, is amended—

9 (1) by adding at the end of paragraph (1) the
10 following: “The term ‘manufactured goods’ as used

1 in this paragraph means each individual item speci-
2 fied in each line item of a procurement. If the indi-
3 vidual items to be procured are listed in the bill of
4 materials and specifications rather than a line item,
5 the term ‘manufactured goods’ shall apply to each
6 such item. The term ‘manufactured goods’ shall not
7 be applicable to the procurement of rolling stock as
8 set forth in paragraph (2)(C).”;

9 (2) by redesignating paragraphs (3) through
10 (7) as paragraphs (5) through (9), respectively;

11 (3) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) When issuing a waiver based upon a public in-
14 terest determination under paragraph (2)(A), the Sec-
15 retary shall produce a detailed written justification as to
16 why the waiver is in the public interest. The Secretary
17 shall publish such justification in the Federal Register and
18 provide the public a reasonable period for notice and com-
19 ment.

20 “(4) The Secretary may not grant a waiver under
21 paragraph (2) for microcomputer equipment. For pur-
22 poses of this paragraph ‘microprocessor’ means a com-
23 puter processor on a microchip.”; and

24 (4) by adding at the end the following:

1 “(10) ADMINISTRATIVE REVIEW.—A party ad-
2 versely affected by an agency action under this sub-
3 section shall have the right to seek review under sec-
4 tion 702, title 5, United States Code.”.

5 (b) APPLICATION TO EXISTING WAIVERS.—Notwith-
6 standing the amendments made by this section, such
7 amendments shall not modify the scope or terms of an
8 existing waiver granted by the Secretary of Transportation
9 that pertains to microprocessors or microcomputers, in-
10 cluding software, incorporated in train control equipment
11 or communication equipment, as such terms are defined
12 in 49 CFR 661.11 (t) and (u).

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